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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,750

07/02/2003

Franklin H. Valade JR.

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IP LEGAL DEPARTMENT
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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

05/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,750

Applicant(s)

VALADE ET AL.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 49-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-18, 22, 23, 25-29, 35-43, 46 and 47 is/are rejected.
- 7) ☒ Claim(s) 11-13, 19-21, 24, 30-34, 44-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action in response to Applicant's amendment filed February 26, 2007. No claims have been amended, canceled, or added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1-10, 14-18, 22-23, 25-29, 35-43, and 46-47 are again rejected under 35 U.S.C. 102(b) as being anticipated by Hartings (US Patent No. 4,774,504).

Claim 1:

Hartings discloses a security tag, comprising:

- a. a tag housing 10;
- b. a tack body 34; and
- c. a linear clamp 23 including a spring arm 29, 30 to bias the linear clamp against one or more abutments, the linear clamp having a slot 46 to retain the tack body (figs. 2 and 3), and to move in a substantially linear direction (up and down) in response to a force to release the tack body from said slot.

Claim 2:

The linear clamp 23 comprises:

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- a. a clamp body;
- b. a spring arm 29 attached to a first edge (fig. 1) of the clamp body; and
- c. a tack retaining body formed by 27 and 28 to retain the tack body.

Claim 3:

The tack retaining body 27, 28 comprises a first jaw and a second jaw, with each jaw terminating in spaced facing edges, the spaced facing edges forming a slot and a jaw open area in the clamp body. See fig. 1.

Claim 4:

The jaws 27, 28 extend from the second edge of the clamp body 23.

Claim 5:

Jaws 27, 28 are integrally formed with clamp body 23.

Claim 6:

The tack body 34 comprises at least one first portion and at least one second portion which is the pointed end, the first and second portions having first and second diameters, respectively, with the second diameter smaller than the first diameter. See fig. Fig. 3.

Claim 7:

The slot 46 has a width approximate to the second diameter, wherein the jaws 27, 28 move from a first position to a second position to accommodate the first portions, and from second position to the first position to retain the second portion.

Claim 8:

A side of clamp body 23 forms a first plane, and a side of the tack retaining body forms a second plane substantially parallel to said first plane. See fig. 1.

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Claim 14:

The housing of the tag 10 comprises a top half 11 and a bottom half 16 (figs. 1 and 2), with the bottom half 16 having a guide 25", 26" to assist movement of the linear clamp in the linear direction. Fig. 1.

Claim 15:

The bottom half of the tag includes an abutment to bias the spring arm 29 in response to movement of the linear clamp in the linear direction, the abutment being disposed approximately in line with the force.

Claims 16

The spring arm 29, 30 comprises a spring arm body that extends along the first edge of the clamp body and a curve joint joining the spring arm body to one end of the clamp body. Fig. 1.

Claim 17:

Spring arm 29 moves from a first position to a second position in response to the applied force, and moves from said second position to said first position when the force terminates.

Claim 18:

Spring arm 29 is functions as a bridge across the jaw open area.

Claim 22:

A first portion of the spaced facing edges of clamp body 23 are substantially parallel to form the slot 34, with first end of the slot forming a curve approximating a curve for the tack body, and the second end of the slot forming a release section opening into the jaw open area. See fig. 1.

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Claim 23:

The housing of the tag 10 comprises a top half 11 and a bottom half 16, with the bottom half having a guide 25", 26" to assist movement of the linear clamp in the linear direction. See fig. 1.

Claim 25:

Hartings discloses a security tag, comprising:

- a. a tag housing 10;
- b. a tack body 34; and
- c. a linear clamp 23 including a spring arm 29 to bias the linear clamp against one or more abutments, the linear clamp having a slot 46 to retain the tack body (figs. 2 and 3), and to move in a substantially linear direction (up and down) in response to a force to release the tack body from said slot.

Claim 26:

The tack retaining body comprises a first jaw 27 and a second jaw 28 with each jaw terminating in spaced facing edges, the spaced facing edges forming a slot and a jaw open area in the clamp body. See fig. 1.

Claim 27:

The jaws extend from a common second edge of the clamp body 3. Fig. 7.

Claim 28:

Jaws 27, 28 are integrally formed with the clamp body 23. Fig. 5.

Claim 29:

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The clamp body forms a first plane, and a side of the tack retaining body forms a second plane substantially parallel to the first plane. Fig. 1.

Claim 35:

Spring arm 29 comprises a spring arm body that extends along the first edge of the clamp body and a curve joint joining the spring arm body to one end of the clamp body 23. Fig. 1.

Claim 36:

Spring arm 29 moves from a first position to a second position in response to the force, and moves from the second position to the first position when the force terminates.

Claim 37:

The spring arm 29 is biased approximately in line with the force.

Claim 38:

The rejection of claim 35 recites the rejection of claim 18.

Claim 40:

The tack body moves into the jaw open area when the linear clamp is in said second position, thereby releasing the tack body from the tack retaining body. Fig. 1.

Claim 41:

The linear clamp 23 moves from the second position to the first position when the force is terminated.

Claim 42:

The rejection of claim 42 recites the rejection of claim 22.

Claim 46:

The rejection of claim 46 recites the rejection of claim 16.

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Claim 47:

Spring arm 19 moves from a first position to a second position in response to the force, and moves from the second position to the first position when the force terminates.

Allowable Subject Matter

4. Claims 11-13, 19-21, 24, 30-34, 44, 45, and 48 are again objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's Arguments

5. Applicant has argued the following:

"Applicant respectfully submits that deflecting leaf springs from a locked to an unlocked position, as arguably taught by Hartings in figures 2 and 3, and moving "in a substantially linear direction...to release said tack body from said slot" are different. Applicant respectfully submits that Hartings, arguably, teaches rotating the leaf springs downwardly by applying a decoupling force.

Applicant respectfully submits that if the leaf springs in Hartings were moved in a substantially linear direction (up and down as stated in the Office Action), that the shank could not be removed from the tag housing. Applicant respectfully submits that the EAS Tag taught by Hartings requires a rotational force to be applied to the leaf springs for proper removal of the

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shank from the tag housing. Consequently, the teaching of Hartings is different than that of the claimed subject matter.”

Response to Applicant's Arguments

6. The Applicant's argument has been fully considered but they are not deemed persuasive.

It is submitted that the leaf springs in Hartings do not rotate, rather their edges deflect up and down in vertical direction. Therefore, the Applicant's arguments are not deemed persuasive.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

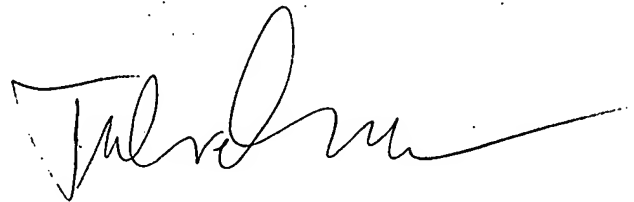
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long horizontal flourish extending to the right.

Julie Lieu
Primary Examiner
Art Unit 2612

May 7, 07